

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

KERRY YOUNG,

Civil Case Number: 24-cv-01581

Plaintiff

vs.

BARCLAYS BANK DELAWARE,
EQUIFAX INFORMATION SERVICES, LLC
and EXPERIAN INFORMATION
SOLUTIONS, INC.,

Defendants

TO: United States District Court, Eastern District of New York:

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1331, 1441 and 1446, Defendant Barclays Bank Delaware, (“Barclays”), by and through its attorneys, Holland & Knight LLP, hereby removes this action to the United States District Court for the Eastern District of New York, where there is a question of federal law at issue. Barclays respectfully states the following grounds for removing this action:

RELEVANT FACTS

1. Barclays is a defendant in the civil action entitled *Kerry Young vs. Barclays Bank, Delaware, et. al*, Index. No. 503112/2024, pending in the Supreme Court of the State of New York, County of Kings (“State Court Action”).

2. Plaintiff Kerry Young (“Plaintiff”) filed a Complaint on January 31, 2024, which Barclays accepted for service on February 2, 2024. *See*, Complaint (“Compl.” Exhibit A).

3. Plaintiff alleges claims against Barclays, and defendants Experian Information Solutions, Inc., and Equifax Information Services, LLC, (collectively the “Bureaus”) for violation of the Fair Credit Reporting Act, 15 U.S.C. §1681, *et seq.* (the “FCRA”) and the New York Fair

Credit Reporting Act, NY CLS General Business Law Section § 380 *et seq.* (“NY FCRA”). *See generally* Compl.

4. As of result of the alleged violations of the FCRA and NY FCRA, Plaintiff demands judgement against Barclays, and co-defendants, for actual damages, punitive damages, statutory damages, attorneys' fees, and costs.

5. As of March 1, 2024, no other pleadings or papers have been filed with the Supreme Court of the State of New York, County of Kings.

6. The United States District Court for the Eastern District of New York embraces the place where the State Court Action is pending.

TIMELINESS OF REMOVAL

7. The Complaint was served on Barclays on February 2, 2024. This Notice of Removal is therefore timely because it was filed within 30 days of Barclays accepting service.

THE COURT HAS SUBJECT MATTER JURISDICTION

8. Removal is proper under 28 U.S.C. § 1331, because the Plaintiff alleges, *inter alia*, federal claims against Barclays and the Bureaus for violation of the federal FCRA.

9. United States District Courts are vested with jurisdiction to consider cases or controversies “arising under” the laws of the United States of America such as the FCRA.

10. Removal of such cases is governed by 28 U.S.C. §§ 1331 and 1441(a). Section 1331 states, "The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." Further, Section 1441(a) states any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

11. Plaintiff's causes of action for alleged violation of the FCRA, 15 U.S.C. § 1681 *et seq.*, "arises under" the laws of the United States. *See* 28 U.S.C. § 1331; 15 U.S.C. § 1681, *et seq.* Therefore, this Court may properly exercise jurisdiction over this claim pursuant to 28 U.S.C. § 1331.

12. Pursuant to 28 U.S.C. § 1367, this Court may also exercise supplemental jurisdiction over any state law claims not governed by federal law such as the NY FCRA.

13. Defendants have consented to the removal of this action.

REMOVAL IS PROPER

14. This action is currently pending in the Supreme Court of the State of New York, County of Kings and may be removed to the United States District Court for the Eastern District of New York. Accordingly, this case is properly removable as the requirements for federal question jurisdiction are satisfied.

15. Barclays reserves all rights, claims, and defenses relative to the action filed by Plaintiff and expressly does not waive any defense available in filing this notice.

16. Pursuant to 28 U.S.C. § 1446(d), Barclays will promptly serve this Notice of Removal upon all parties and shall promptly serve a copy thereof upon the clerk of the Supreme Court of the State of New York, County of Kings.

WHEREFORE, Defendants Barclays Bank Delaware respectfully requests that the matter designated by the Complaint be removed to the United States District Court for the Eastern District of New York, and proceed before this Court as an action properly removed.

Dated: March 1, 2024

HOLLAND & KNIGHT LLP

By: /s/ Jonathan M. Marmo
Jonathan M. Marmo, Esq.
1650 Market Street, Suite 3300
Philadelphia, PA 19103

215.252.9568

Jonathan.marmo@hklaw.com

Counsel for Defendant

Barclays Bank Delaware

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was filed with The Court's E-Filing Portal on March 1, 2024 which will notify all counsel of record authorized to receive such filings. Additionally, a copy of same was sent, via overnight mail, to counsel for Plaintiff at the address of record:

SANDERS LAW GROUP

c/o Nicola C. Richards, Esq.
333 Earle Ovington Boulevard, Suite 402
Uniondale, New York 11553
Email: nrichards@sanderslaw.group
Office: (516) 203-7600
Direct: (516) 203-7614
Fax: (516) 282-7878

Attorneys for Plaintiff

/s/ Jonathan M. Marmo

Jonathan M. Marmo